



## **CITY OF HAYWARD AGENDA REPORT**

Meeting Date 07/20/06  
Agenda Item 1

**TO:** Planning Commission

**FROM:** Arlynn J. Camire, AICP, Associate Planner

**SUBJECT:** Administrative Use Permit No. PL-2006-0120 - Noor Wais (Applicant) /Islamic Association of Immigrants (Owner) - To Utilize a Single-Family Home as an Educational Facility for 28 Children Attending Kindergarten through Third Grades

The Property Is Located at 131 Folsom Avenue in a Single-Family Residential (RSB4) District

### **RECOMMENDATION:**

Staff recommends that the Planning Commission find that the project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, Section 15332, In-Fill Development Projects, Class 32 (a); and approve the Administrative Use Permit subject to the attached findings and conditions of approval.

### **DISCUSSION:**

The 23,400-square-foot site is developed with a 2,268-square-foot single-family home with an attached two car garage and four accessory structures. It is located on the north side of Folsom Avenue, easterly of the intersection with Lassen Street. The Islamic Association of Immigrants Mosque is on the adjacent property to the west. This property has been used as a religious facility since it was built by the Landmark Missionary Baptist Church in 1956. Single-family homes surround both the proposed school and the mosque.

An Administrative Use Permit is required to operate a school. Due to neighborhood opposition, the Planning Director referred this item to the Planning Commission.

### **Project Description**

The applicant proposes to convert the home to a school for 28 students in kindergarten through third grade. The school would operate Monday through Friday from 8 am to 5 pm. The school would contain three classrooms. Accessory structures would be demolished and replaced with landscape, a play area and twenty-two parking spaces. A landscape buffer of trees, shrubs and groundcover would be planted on the perimeter of

the project adjacent to neighboring homes and along Folsom Avenue. The interior and exterior of the school would be painted, interior fire sprinklers would be installed and the entire site and interior would be brought into compliance with Americans with Disabilities Act standards.

### Traffic and Parking

Access to the parking lot and student drop-off would be through the parking lot of the adjacent Islamic Association of Immigrants Mosque. The school parking lot would be used for additional mosque parking during services. Reciprocal access and parking easement agreements would be required to be recorded to allow vehicular access between the two parcels. The mosque's parking would be improved also.

The original project design proposed parking and student drop-off in the front yard of the single-family home. Staff and neighbors were concerned that the vehicle queue for student drop-off would impact surrounding properties by blocking driveways and impeding the nearby intersection of Folsom Avenue and Lassen Street. After meeting with staff, the applicant relocated the student drop-off to the rear of the school, accessible from the adjacent mosque. The school requires four off-street parking spaces while twenty-two parking spaces would be provided. This additional parking would serve both the school and the mosque. Staff believes that this arrangement would allow the character of the single-family home to be maintained while providing more off-street parking for those who attend prayer services at the mosque.

### Architecture

A concern of the neighborhood and staff is that the character of the neighborhood would be maintained and that the single-family home does not resemble a commercial building. Front façade changes to either the single-family home or the mosque are not proposed.

### Signs

The applicant has not proposed a sign for the school. However, a sign can be erected within the front yard setback with the approval of a sign permit. The sign would be limited to 15 square feet in area and with natural or external lighting.

### **ENVIRONMENTAL REVIEW:**

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15332, In-Fill Development Projects, Class 32 (a).

### **PUBLIC NOTICE:**

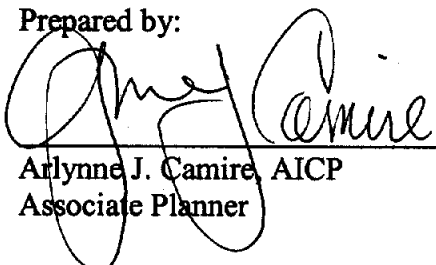
On May 24, 2006, an Official Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Staff received

numerous e-mails and phone calls in opposition to the approval of the use of the project. Neighbors concerns ranged from impact to traffic, disregard of traffic laws by the current mosque worshipers, and further change of the character of the neighborhood from single-family residential to commercial (Attachment D). On July 10, 2006, a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site.

#### **CONCLUSION:**

Staff is of the opinion that the proposal adequately addresses the traffic and parking concerns of staff and the neighborhood. The student drop-off in the rear parking lot and the addition of 22 off-street parking spaces exceed the requirements for the school and would serve mosque worshipers. The school would maintain the appearance of a single-family home, thereby not impacting the neighborhood residential character. Therefore, staff recommends approval of the application.

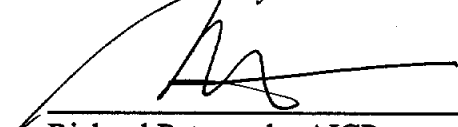
Prepared by:



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Arlynne J. Camire, AICP  
Associate Planner

Recommended by:

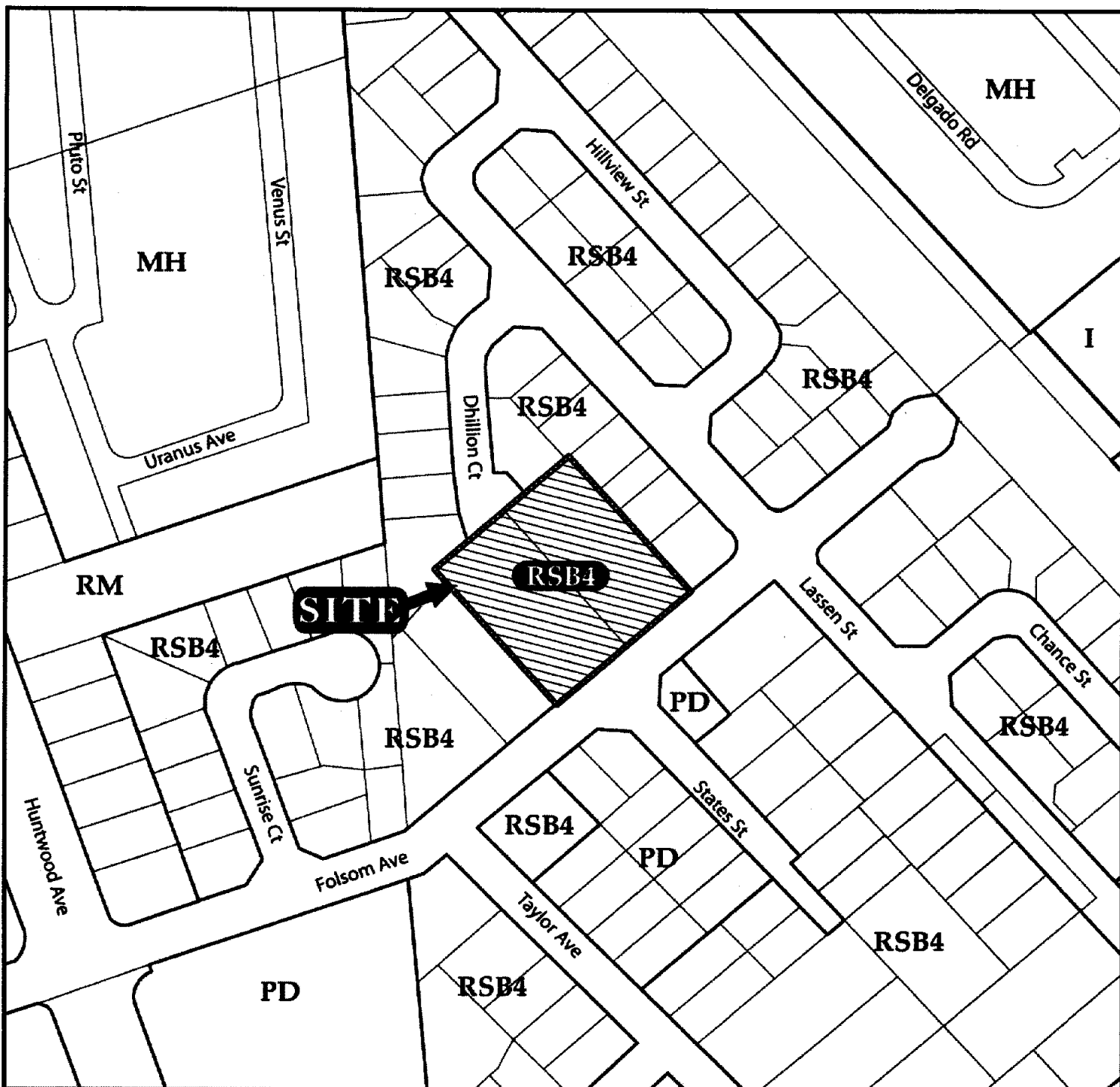


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Richard Patenaude, AICP  
Principal Planner

#### **Attachments:**

- A. Area Map
- B. Findings for Approval
- C. Conditions for Approval
- D. E-mails from Resident  
Plans



## Area & Zoning Map

PL-2006-0120 AUP

Address: 131 Folsom Avenue

Applicant: Noor Wais

Owner: Islamic Association  
of Immigrants

### Zoning Classifications

#### RESIDENTIAL

MH Mobile Home Park

RM Medium Density Residential, min. lot size 2500 sqft

RSB4 Single Family Residential, min. lot size 4000 sqft

#### INDUSTRIAL

I Industrial

#### OTHER

PD Planned Development



FEET 100 200

**FINDINGS FOR APPROVAL**  
**Administrative Use Permit No. PL-2006-0120**  
**Noor Wais (Applicant)**  
**Islamic Association of Immigrants (Owner)**

- A. Approval of Administrative Use Permit Application No. PL-2006-0120 to utilize a single-family home as an educational facility for 28 children attending kindergarden to third grades in a Single-Family Residential District is exempt from the provisions of California Environmental Quality Act pursuant to Section 15332, Class 32 (a), In-Fill Development.
- B. The proposed use is desirable for the public convenience or welfare in that it provides the opportunity for Islamic families to provide a traditional education for their children.
- C. The proposed use will not impair the character and integrity of the zoning district and surrounding area in that the appearance of the single-family home will not be altered to resemble a commercial structure and adequate parking for staff and student's parents is provided at the rear of the site accessible from the adjacent mosque parking lot.
- D. The proposed use will not be detrimental to the public health, safety, or general welfare in that vehicle queuing for student drop-off is located on the site of the mosque, which will alleviate the potential for vehicle queuing to extend into the street and alleviate the need for the use of the public right-of-way for this purpose. In addition, the 22 parking spaces at the school would help alleviate parking problems of the mosque.
- E. The proposed use is in harmony with applicable City policies and the intent and purpose of the Single Family Residential Zoning District in that it supports family life by providing a gathering place to learn, worship and play.

**CONDITIONS FOR APPROVAL**  
**Administrative Use Permit No. PL-2006-0120**  
**Noor Wais (Applicant)**  
**Islamic Association of Immigrants (Owner)**

1. Administrative Use Permit Application No. PL-2006-0120 to utilize a single-family home as an educational facility for 28 children attending kindergarden through third grades shall operate according to these conditions of approval and plans approved by the Planning Commission on July 20, 2006, labeled Exhibit "A". This permit is void one year after the effective date of approval unless a building permit application for the subject project has been accepted for processing by the Building Official or business operations have commenced prior to that date in accordance with all applicable conditions of approval. If a building permit is issued for construction of improvements authorized by the administrative use permit approval, the permit approval shall be void two years after issuance of the building permit, or three years after approval of the administrative use permit application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the administrative use permit.
2. Any modification to this permit, including number of children, shall require review and approval by the Planning Director.
3. Prior to final inspection and occupancy of the building, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
4. Prior to issuance of a building permit, the colors and materials used on the exterior of the school, including the trash enclosure, shall be approved by the Planning Director.
5. The property owner shall maintain in good repair all building exteriors, fences, walls, lighting, trash enclosures, drainage facilities, driveways, parking areas, and any other project features. The premises shall be kept clean. Any graffiti painted on the property shall be painted over or removed within 72 hours of occurrence.
6. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
7. Lighting within the parking area of the school and all walkways shall be maintained at a level that is adequate for illumination and protection of the premises. Exterior lighting shall be designed by a qualified illumination engineer, and erected and maintained so that adequate lighting is provided in all public access areas. The exterior lighting shall

comply with the City's Security Ordinance. The Planning Director shall approve the type, design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties. A photometric lighting plan shall be submitted and approved by the Planning Director. Lighting Plan shall comply with the City's Security Ordinance.

8. All roof-mounted mechanical equipment of the school shall be screened from the street. All television or satellite reception antennas shall be completely screened from view by the proposed roof structure.
9. No vending machines or other goods or products shall be displayed or sold outside the school.
10. A demolition permit shall be obtained prior to the demolition of sheds and warehouse at the school.
11. A decorative pre-cast concrete trash receptacle, with a self-closing metal lid, shall be located near each entry to the school. The Planning Director shall approve the design and placement.
12. A trash enclosure shall be constructed at the school. The trash enclosure shall be constructed of a decorative 6-foot-high masonry wall, which incorporates the architectural style, color and materials of the primary structure with a solid and lockable, decorative metal access gate. The enclosure shall include internal concrete curbs to protect the side walls. The enclosure shall provide for an equivalent amount of space for recycling containers as for trash containers. The final design shall be approved by the Planning Director prior to the issuance of a building permit.
13. A sign permit application and plans shall be submitted for approval by the Planning Director prior to the installation of any signs. All signs shall be in compliance with the Sign Ordinance.
14. Violation of these conditions or the Hayward Municipal Code is cause for revocation of permit after a public hearing before the duly authorized review body.

#### Building

15. The applicant shall conform to California Building Code 16A for uniform and concentrated loads.
16. The conversion of the existing Single-Family Residential (R-3 occupancy) to a Kindergarten through third grade school (E-2 occupancy) shall require compliance to all applicable Building and Fire Codes.
17. The proposed change of use from a single-family home (R-3 occupancy) to a school (E-2 occupancy) requires additional California Building and Fire Code compliance in regard to but not limited to the following:

- a. Building construction (walls and separations).
- b. Building exiting.
- c. Americans with Disabilities Act compliance.
- d. Occupant load shall be limited and cannot exceed 50 persons (student body).  
Additional E-2 occupancy compliance as dictated in the California Building Code, Chapter 3, Section 305 shall be met.

#### Fire Department

18. Design of the driveway opening (flare) and width of the Islamic Association of Immigrant Mosque shall be in conformance with Hayward Fire Department Standards.
19. Engineering of the driveway and new parking lot on the school shall meet the Fire Code. Pavement shall be all-weather surface material capable of withstanding 50,000 lbs. GVW.
20. The driveway of the Islamic Association of Immigrant Mosque shall be a dedicated fire lane. Fire lane signage is required at the driveway entrance. Red-painted curbing shall be required along all vertical curbing abutting the driveline. "No Parking – Fire Lane" shall be stenciled in white along the red-painted curbing.
21. Installation of a manual and automatic fire alarm system throughout the school conforming to NFPA 72 Standards is required. The fire alarm system shall be equipped with common area smoke detectors, smoke detectors in each classroom, manual pull stations at all exit doors, audible and visual devices, all installed to meet ADA requirements.
22. Central station monitoring is required for the fire alarm system.
23. Portable fire extinguishers having a minimum rating of 2A:10BC shall be installed throughout the school to the satisfaction of the Fire Marshal.
24. If the kitchen remains and cooking is proposed as part of the daily activities for the school, the requirements for the commercial cooking equipment will be imposed. If installed, commercial cooking equipment will require a Type 1 exhaust hood with fire protection.
25. Obtain separate fire permits for the installation of the fire alarm system and any other fire protection and life safety that are required prior to the issuance of a building permit.
26. Install a minimum 6-inch address number on the front of the building so as to be visible and legible from the street.



## Landscape

27. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscaping and irrigation plans for the Islamic Association of Immigrant Mosque shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*. The following shall be included on the plans:
  - a. All existing and proposed paving must be shown on landscape plans.
  - b. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch high class "B" Portland Cement concrete curb.
  - c. Masonry walls, solid building walls, covered trash enclosure or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
  - d. Parking lots shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians or islands located within the parking area. In addition, parking rows shall be capped with a landscaped island at each end. All tree wells, islands and medians shall be a minimum of 5 feet wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, to the satisfaction of the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30-inch high hedge within two years. This measurement shall be from the top of curb.
  - e. All above ground utilities and mechanical equipment shall be screened from the street with shrubs.
28. A complete automatic sprinkler system with an automatic on/off mechanism shall be installed within all required landscape areas of the school and the mosque. An individual adjustable flood bubbler shall be provided at each tree. Provide check valves for all sprinkler heads to minimize erosion.
29. Landscaping and screening is required to be installed in the parking lot located at the Islamic Association of Immigrant Mosque and in the new parking lot located to the rear of the school.
30. A landscape buffer including shrubs and one 15-gallon evergreen tree for every 20 lineal feet of property line shall be planted to screen the school and the Islamic Association of Immigrant Mosque from the adjacent single-family homes on the north and west sides of the property.
31. One 24-inch box street tree is required for every 20 to 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the most current City Standard Detail SD-122. A minimum of two 24-inch box street trees will be required on the Folsom Avenue frontage. Show curb, gutter and sidewalk location on Folsom Avenue.

32. No trees shall be planted in the middle of a bioswale so as not to interfere with the function of a proposed bioswale.
33. Understory planting of shrubs and live ground covers shall be provided in landscape islands. Bark, pre-emergent, and groundcover shall be provided in all shrub planting beds.
34. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
35. Existing trees shall be preserved in accordance with the *Tree Preservation Ordinance*. Provide an arborist's report for all trees on the site and at the Islamic Association of Immigrant Center and Mosque. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
36. Landscaping at the school and mosque shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

#### Public Works, Utilities

37. Show Gallon Per Minute Demand on plans to verify existing 1-inch water adequate for proposed use.
38. Recommend installation of a separate water meter to avoid sewer charges for irrigation consumption.
39. Install Reduced Pressure Backflow Prevention Assembly as Per City of Hayward Standard Detail 202 on all domestic and irrigation water meters.
40. Show on revised plans all location of existing and proposed water services, sanitary sewer laterals, and water and sewer mains in the abutting streets. Water meters are to be located a minimum of two feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer lateral as per State Health Code.

41. Prior to discharge of wastewater, additional Sewer System Capacity to accommodate the volume and waste strength of wastewater to be discharged from 131 Folsom Avenue is required to be purchased at the rates in effect at the time of purchase.

The following shall be shown on revised plans to the satisfaction of the Senior Utilities Services Representative:

- a. Provided keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
  - b. Indicate that **"Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System"**.
  - c. Water and Sewer service available subject to standard conditions and fees in effect at time of application.
42. The applicant shall maintain in good repair all fencing, parking lot surfaces, landscaping, lighting, drainage facilities, project signs, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence or the City has the right to enter and remove and charge the property owner for the clean-up.
44. Play area and play equipment shall comply with the Consumer Product Safety Commission Guidelines for playgrounds.
45. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
46. If necessary, existing rain gutters on the school shall be replaced and painted to match the trim on the building.

#### Engineering

47. Any curb, gutter or sidewalk that is cracked or may cause a tripping hazard as determined by the City Engineer shall be removed and replaced to the satisfaction of the City Engineer.
48. The new driveway shall be constructed to meet Standard Detail SD-110.
49. An encroachment permit shall be obtained from the City of Hayward Building Division for any work done within the Folsom Avenue right-of-way.
50. Any damage to the parking lot surfacing or curbing, on the mosque adjacent property shall be repaired or replaced to the satisfaction of the City Engineer.

51. Prior to issuance of a building permit a parking and circulation plan shall be submitted for both sites that meets the approval of the Planning Director. The parking shall conform to the City's Off-Street Parking Ordinance. This includes providing the required landscape and irrigation.
52. Prior to issuance of a building permit a drainage plan shall be submitted for both sites. The plan shall incorporate the new landscape area and shall meet the approval of the Planning Director. The existing on-site drainage inlet shall be retrofitted with filter, in order to clean the surface runoff prior to discharge into the storm drainage system.
53. Prior to issuance of a certificate of occupancy each property shall record in the office of the Alameda County Recorder, a reciprocal ingress, egress and parking easement between the mosque and the school.

**From:** Louise Gallegos [l\_gallegos@sbcglobal.net]  
**Sent:** Thursday, May 25, 2006 5:50 PM  
**To:** Arlynn Camire  
**Subject:** Property @131 Folsom Ave. Reference: PL-2006-0120 AUP

Ms. Camire.

I am writing in reference to the property at 131 Folsom Ave. The owner wants to convert the existing home to a school for 28 children. We are strongly against a school being at that location.

Our home is less than half a block from the church. Every Friday and whenever they have services, the traffic gets really congested. The parishioners block the streets, they stand in the middle of the street and will not move for oncoming traffic. Not only do they block driveways, litter the street with paper cups and garbage, they also speed if they are running late for their services.

We fear that if a school goes into the mentioned location the traffic will be out of control. They might start with twenty eight students, but what is to stop them from increasing the number of students once the school is approved.

Again, we and the majority of our neighbors strongly oppose to a school being at that location. Please do not allow a school at 131 Folsom.

Thank you in advance for your consideration on our request and concern.

Sincerely,  
Raymond and Louise Gallegos

**Louise Gallegos**  
**AVON The Company For Woman**  
**To Buy or Sell**  
**PH: 510-784-0481**  
**Fax: 510-293-0988**  
**[l\\_gallegos@sbcglobal.net](mailto:l_gallegos@sbcglobal.net)**

From: Aida Flandez [aidaflandez@yahoo.com]  
Sent: Wednesday, June 07, 2006 10:50 AM  
To: Arlynn Camire  
Subject: PL-2006-0120 AUP, Noor Wais (Applicant)

Dear Ms. Camire,

I would like to give my comments on the request to use a single-family house as a school for 28 children.

I moved to this neighborhood because it is a quiet and peaceful area, it is not crowded, and no close business establishments around it. These neighborhood are all residential homes except that there was a mosque or temple along Folsom St, which we found a lot of cars parked during temple hours. The house built next to the temple which is at 131 Folsom Street is intended to be a place to live with and not for school purposes. The surrounding area are purely all houses and no school site was designated around this place.

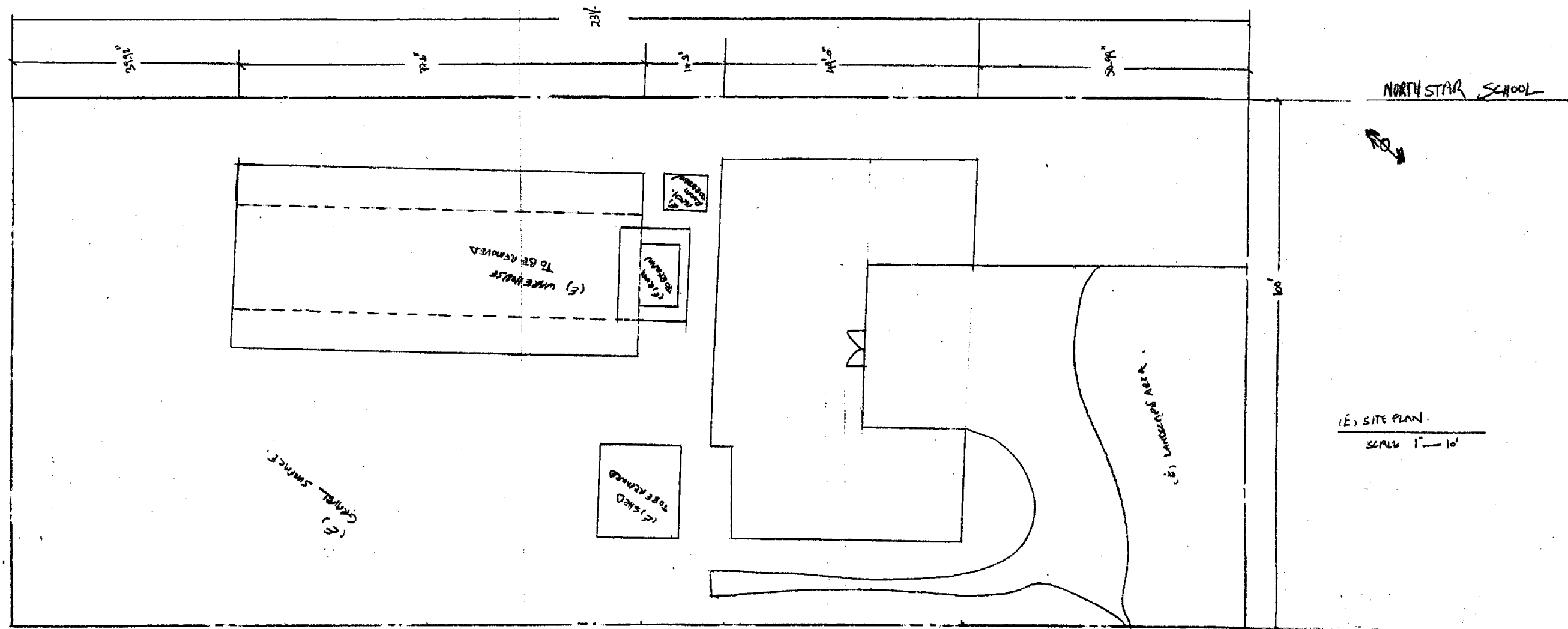
If the City will allow this single-family house to be used as a school, the place will be crowded, a lot of cars coming in and out, parking space will be a problem, and am afraid that more people who doesn't live around the neighborhood will be invited to come in.

I hope you will consider my comments and not to allow this house to be used as school.

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**SHEET INDEX**

- A3-A1 - EXISTING SITE PLAN
- A2 - PROPOSED SITE PLAN
- A4 - ROOF PLAN
- A5 - EXISTING FLOOR PLAN
- A6 - PROPOSED FLOOR PLAN
- A7 - ELEVATIONS

**NORTH STAR SCHOOL**

**EXISTING OPERATION :**

CLASS	NUMBER OF STUDENTS
K	10
FIRST GRADE	9
SECOND GRADE	4
THIRD GRADE	5

**George Meier & Associates, Architects**  
 George Meier, Architect  
 20980 Redwood Road, Suite 240, Castro Valley, California 94546  
 Telephone: (510) 886-3581 Fax: (510) 886-2457



Project Name:  
 Project Location: 131 Folsom Avenue, Hayward, California  
 Owner:

**Existing Conditions**

Existing Zoning:	R-1	Single family dwelling
Existing General Plan designation:	U-1	
Present C.B.C. occupancy:	Garage:	
Property Area:	23400	
Existing structures:	Single family house	2287
	Garage:	420
	Mechanical shed:	22
	Garden house:	50
	Storage shed:	200 ?
Existing Lot Coverages:		% of Total Prop. area
Total Structures:	2879 sf	13%
Driveways and open parking:	5720 sf	16%
Landscaping, walks & usable open space:	18701 sf	71%
Existing C.B.C. Types of Construction:	House and Sheds:	Type V-N
	Garage:	Type V-N
		% of total property

**Proposed Project**

Existing Occupancies	Occup. Classif.	Floor Area	Proposed Occupancies	Occup. Classif.	Floor Area
Single family house	R-1	2287	School	E-2	2287
Garage:	U-1	420	Garage:	U-1	420
Mechanical shed:	U-1	22	Mechanical	U-1	22
Garden house:	U-1	50	Garden house	U-1	50
Storage shed:	U1	200?	Recreation	E-2	200?

Change in occupancies:

Proposed Lot Coverages same as existing  
 Proposed C.B.C. type of const: Type V-N  
 Proposed parking: 5 spaces


NOOR WAIS  
 799 FLETCHER LN #204  
 HAYWARD, CA 94541  
 (510) 706-8933

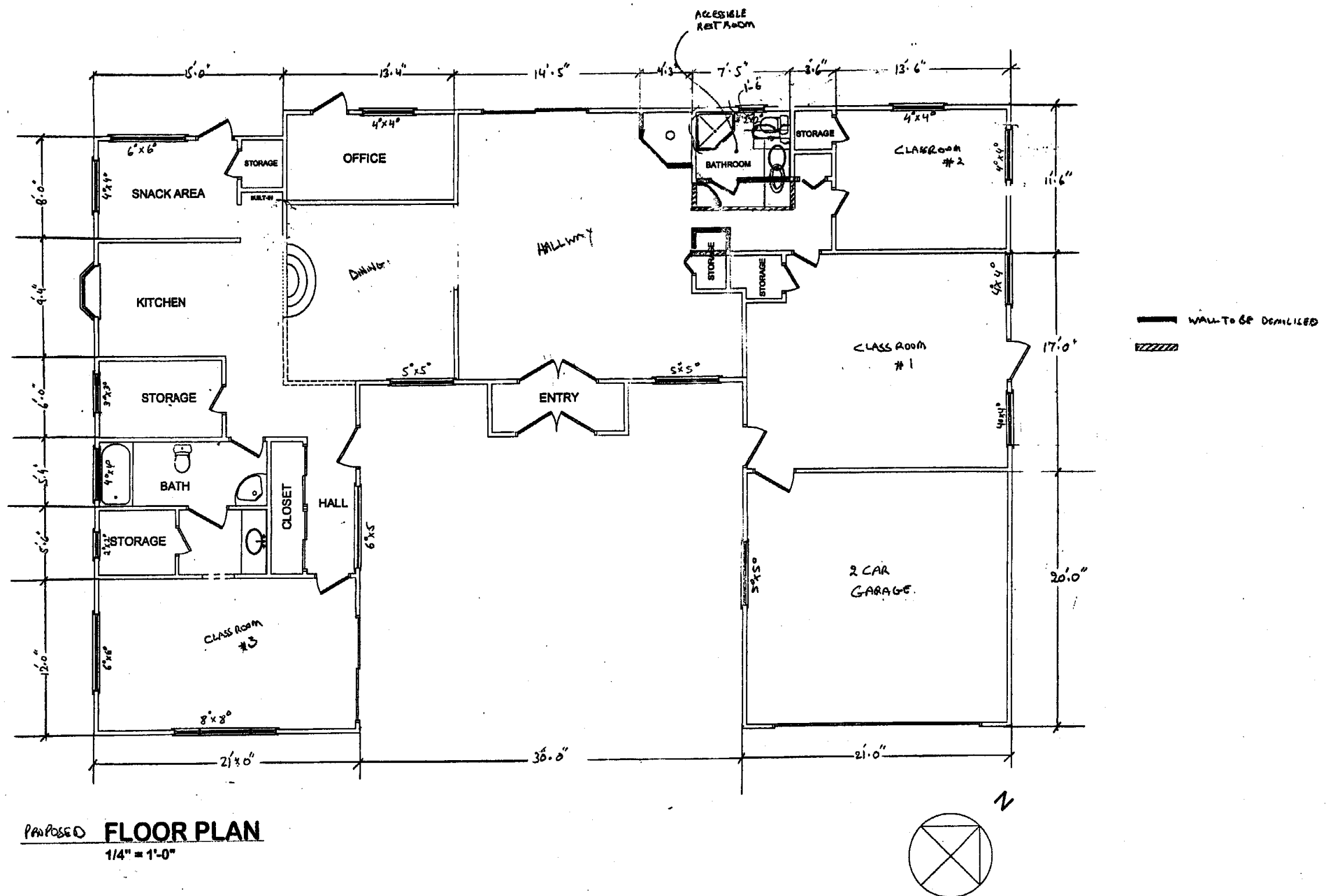
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 PLANNING DIVISION

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**SHEET**  
**PROJECT #**







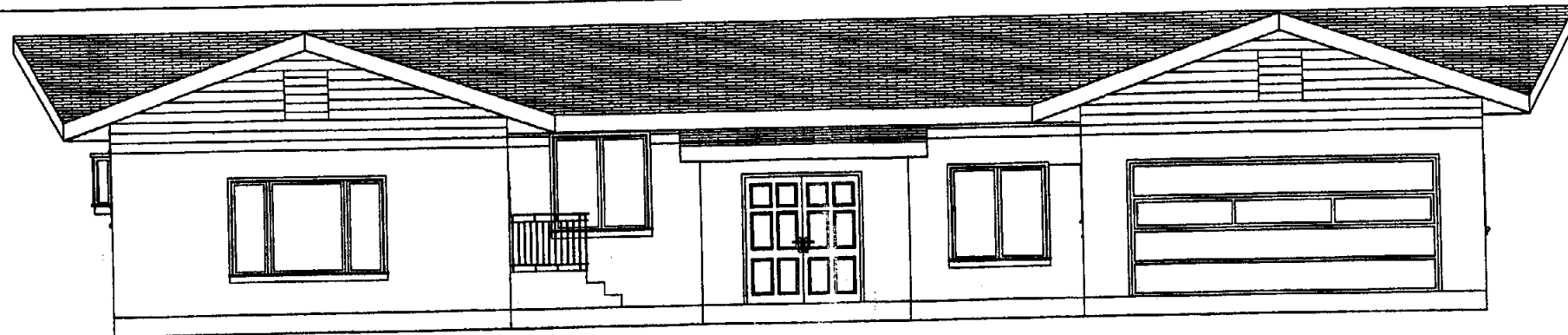


REVISIONS	BY

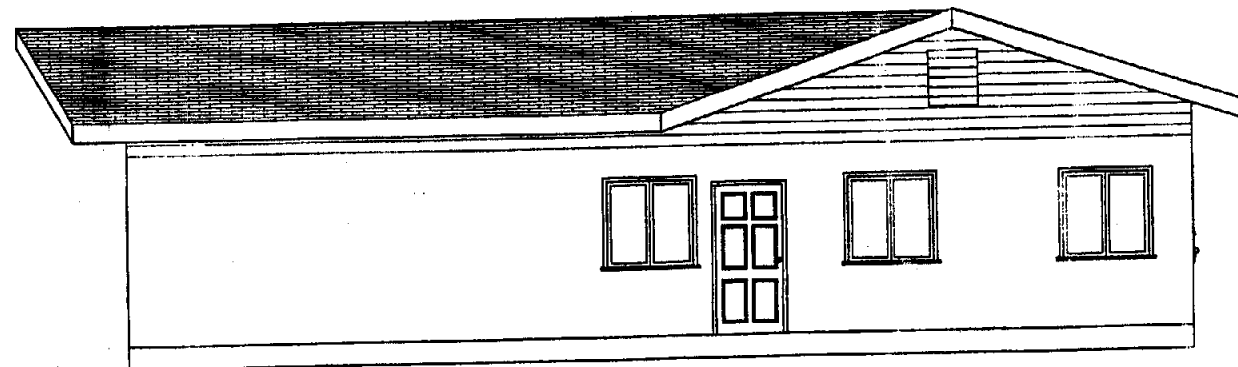
PROPOSED  
**FLOOR PLAN**

**NORTH STAR SCHOOL**  
131 FOLSOM AVENUE  
HAYWARD, CA 94544

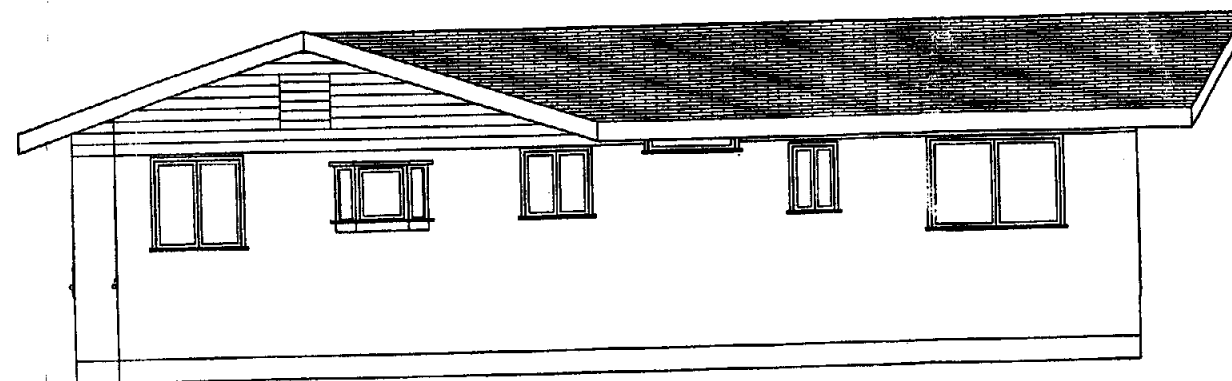
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JOB: NORTH STAR SCHOOL



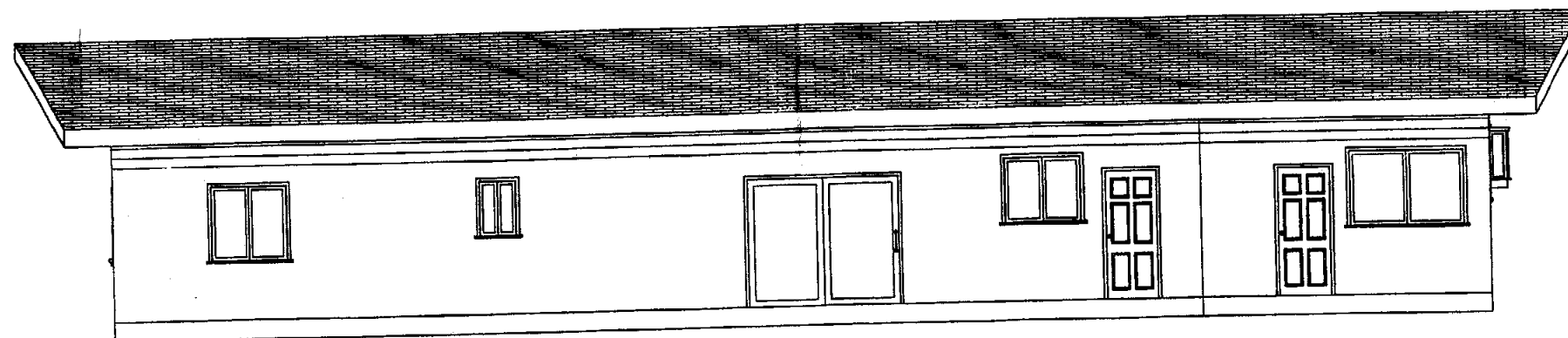
**FRONT ELEVATION**



**RIGHT ELEVATION**



**LEFT ELEVATION**



**REAR ELEVATION**

REVISIONS	BY

**EXTERIOR ELEVATIONS**

**NORTH STAR SCHOOL  
131 FOLSOM AVENUE  
HAYWARD, CA. 94544**

**DATE: 9-27-04  
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JOB: NORTH STAR SCHOOL**

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